

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION**

**JAMES DILLARD,  
ADC #116862**

**PLAINTIFF**

**V.**

**CASE NO. 3:20-CV-106-DPM-BD**

**BRENT COX, *et al.***

**DEFENDANTS**

**ORDER**

The Medical Defendants have moved to strike Mr. Dillard's objection to the order denying his motion to compel. (Doc. No. 52) According to postal tracking information attached to the motion to strike, the discovery responses at issue were delivered to Mr. Dillard on September 25, 2020. (Doc. No. 52-1 at p.2) Mr. Dillard apparently received the responses after he filed his objections, as set out in his motion to withdraw objections.

Mr. Dillard's motion to withdraw objections (Doc. No. 53) is GRANTED, rendering the Medical Defendants' motion to strike moot. Even so, Medical Defendants are cautioned that their motion to strike was not well taken. They cited no authority for striking an opposing party's objection to a ruling.

The Rules allow courts to strike pleadings in limited circumstances. FED. R. CIV. P. 12(f) An objection, however, is not a pleading. And even if Rule 12(f) is read to permit the Court to strike other papers, the Medical Defendants made no attempt to show—or even argue—that Mr. Dillard's filing was, “redundant, immaterial, impertinent, or scandalous.” *Id.* The motion to strike (Doc. No. 52) is DENIED as frivolous, and also, as moot.

SO ORDERED, this 1st day of October, 2020.



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UNITED STATES MAGISTRATE JUDGE